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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 UNITED STATES OF AMERICA,
8 Plaintiff,

9 -vs-

10 JOSE GUADALUPE AGUILAR,
11 Defendant.

NO. CR-07-2091-WFN-1

ORDER

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13 A telephonic pretrial conference was held June 25, 2008. Samuel Swanberg
14 represented the Defendant; Assistant United States Attorney Shawn Anderson represented the
15 Government. In his trial brief, Defendant raised the issue of severance of Counts 1 and 2
16 from Count 3 due to possible prejudice. The Court was concerned about this issue and
17 contacted counsel to alert counsel that the issue should be addressed prior to the trial. During
18 this conference, the Court found that lack of severance could unduly prejudice the Defendant
19 and granted the Defendant's request if Defendant was willing to waive his speedy trial rights
20 as to Count 3.

21 The Court has reviewed the file and briefs and is fully informed. This Order is entered
22 to memorialize and supplement the oral rulings of the Court. Accordingly,

23 **IT IS ORDERED** that Count 3 will be **SEVERED** from Counts 1 and 2 for trial. Trial
24 of Counts 1 and 2 will proceed as scheduled on June 30, 2008, in Yakima.

25 The District Court Executive is directed to file this Order and provide copies to
26 counsel.

s/ Wm. Fremming Nielsen
WM. FREMMING NIELSEN
SENIOR UNITED STATES DISTRICT JUDGE